

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

5 SURGICAL INSTRUMENT SERVICE)
COMPANY, INC.,) Case No.:
) 3:21-cv-03496-VC
6 Plaintiff,)
) Lead Case No.:
7 vs.) 3:21-cv-03825-VC
)
8 INTUITIVE SURGICAL, INC.,) Pages 1 to 65
)
9 Defendant)
-----)
10 IN RE: DA VINCI SURGICAL ROBOT)
ANTITRUST LITIGATION)
-----)
11 THIS DOCUMENT RELATES TO:)
ALL ACTIONS)
-----)

*** CONFIDENTIAL ATTORNEYS EYES ONLY ***

DEPOSITION OF:

KEITH ROBERT JOHNSON

IN HIS PERSONAL CAPACITY

THURSDAY, OCTOBER 27, 2022

1:27 p.m.

21 REPORTED BY:
22 Vickie Blair
23 CSR No. 8940, RPR-CRR
24 JOB NO. 5539883
25 PAGES 1 - 68

1 Deposition of KEITH ROBERT JOHNSON, the witness, taken
2 on behalf of the Defendant, on Thursday,
3 October 27, 2022, 1:27 p.m., before VICKIE BLAIR,
4 CSR No. 8940, RPR-CRR.

5
6 APPEARANCES OF COUNSEL VIA ZOOM:
7

8 FOR PLAINTIFF/COUNTER-DEFENDANT SURGICAL INSTRUMENT
9 SERVICE CO. INC.:

10 HALEY GUILIANO LLP
11 BY JOSHUA VAN HOVEN, Partner
12 111 North Market Street
13 Suite 900
14 San Jose, California 95113
15 +1 669 213 1061
16 joshua.vanhoven@hglaw.com

17 FOR DEFENDANT INTUITIVE SURGICAL, INC.:

18 COVINGTON & BURLING LLP
19 BY ISAAC D. CHAPUT, Associate
20 415 Mission Street
21 Suite 5400
22 San Francisco, California 94105-2533
23 +1 415 591 7020
24 ichaput@cov.com

25 COVINGTON & BURLING LLP
26 BY AUSTIN S. MARTIN, Associate
27 One CityCenter
28 850 Tenth Street, NW
29 Washington, D.C. 20001-4956
30 +1 202 662 5094
31 amartin@cov.com

1 your answers about that timeline be roughly the same? 14:52:00
2
3 MR. CHAPUT: Object to the form. 14:52:06
4
5 THE WITNESS: Yes, I'm -- I'm -- I'm a 14:52:09
6 sales guy, I'm looking for opportunities to sell. This 14:52:11
7 robotic program created an opportunity for SIS to 14:52:15
8 substantially increase the revenue of our organization, 14:52:18
9 a great opportunity, and that was what I -- I was -- I 14:52:20
10 was pumped about the opportunity. 14:52:24
11
12 BY MR. SNYDER: 14:52:25
13
14 Q Let's -- let's go -- let's go there next. 14:52:29
15 I just have a few questions. 14:52:33
16
17 12 This morning I believe you used the word 14:52:35
18 13 "monumental" in connection with the level of interest 14:52:41
19 14 in EndoWrist repair. 14:52:43
20
21 15 Is that a word that you used in that 14:52:44
22 16 context, Mr. Johnson? 14:52:46
23
24 17 A I believe I did, and I don't use that word 14:52:48
25 18 very often. 14:52:50
26
27 19 Q And are -- are there -- are there key -- 14:52:53
28 20 key moments or key events that you have in mind when 14:53:01
29 21 you refer to the monumental level of interest in 14:53:05
30 22 EndoWrist repair? 14:53:08
31
32 23 MR. CHAPUT: Object to the form. 14:53:11
33
34 24 THE WITNESS: Yeah, there's -- there's a 14:53:12
35 25 couple very distinct meetings that stick out in my 14:53:16

1 head, yes. 14:53:18

2 BY MR. SNYDER: 14:53:20

3 Q And what -- what are those -- those 14:53:20

4 meetings that stick out? 14:53:26

5 A One of the biggest ones was the meeting 14:53:27

6 that we had with Advocate Aurora in Wisconsin. I'll 14:53:35

7 just say this, in -- in -- in every meeting that I had, 14:53:46

8 and I'm not saying some of them, I'm saying all of 14:53:50

9 them, the -- the level of interest from the people that 14:53:52

10 I met with, which was always usually the C-suite, VP of 14:53:58

11 supply chain, VP of perioperative services, chief 14:54:02

12 robotic surgeon, one of those groups, every single one 14:54:07

13 of them was absolutely excited about this program. 14:54:10

14 Every one of them used the word 14:54:15

15 "hemorrhage;" almost all -- I won't say every one, a 14:54:17

16 majority of the people I meet with said "We hemorrhage 14:54:23

17 money to Intuitive Surgical. We are looking for ways 14:54:28

18 to reduce costs." 14:54:30

19 They love the robot. They do. They all 14:54:31

20 love it. They understand what it does. 14:54:34

21 It's -- it's the -- the lack of being able 14:54:36

22 to bring these other services that we were offering to 14:54:37

23 the table to help them reduce their costs, and that was 14:54:41

24 what they were excited about. 14:54:44

25 Q A couple other names that came up earlier 14:54:51

1 today I wanted to ask about. 14:54:54
2 You testified about Vizient. 14:54:56
3 Do you recall that? 14:54:57
4 A Uh-huh. 14:54:58
5 Q And what -- what is Vizient? 14:54:58
6 A So Vizient is the largest health care GPO 14:55:01
7 in the country. 14:55:09
8 Q What was Vizient's level of interest in 14:55:10
9 EndoWrist repair? 14:55:12
10 A I have met with the CEO of Vizient, the 14:55:18
11 chief customer officer of Vizient, in fact, the chief 14:55:21
12 customer officer of Vizient scheduled a meeting with 14:55:26
13 his six high level people that run the entire country 14:55:28
14 because that's how excited they were about this 14:55:32
15 program. 14:55:35
16 They don't -- Vizient doesn't get any 14:55:36
17 value from Intuitive Surgical, they don't get admin 14:55:38
18 fees from Intuitive Surgical, they don't get anything 14:55:43
19 from Intuitive Surgical. 14:55:47
20 So the fact that SIS had a program that 14:55:50
21 could reduce costs to health care, help the hospitals 14:55:52
22 reduce their cost for robotic surgery, and they could 14:55:55
23 bring value to their customers in the robotic space was 14:55:58
24 an absolute home run for them. 14:56:01
25 Q And could -- can you describe generally 14:56:05

1 how large Vizient is? I mean, you said they're the 14:56:11
2 largest, but what does that mean? 14:56:15
3 A Yeah, they represent, don't quote me 14:56:16
4 specifically, but they represent somewhere between 14:56:19
5 2,500 and 3,000 hospitals. 14:56:22
6 Q And what -- what's Vizient's geographic 14:56:24
7 scope? 14:56:29
8 A National, every state in the union. 14:56:29
9 Q Another -- another name that I believe 14:56:36
10 came up earlier today was Johns Hopkins. 14:56:37
11 Did you mention Johns Hopkins? 14:56:41
12 A Yes. 14:56:43
13 Q What do you recall about -- did you meet 14:56:43
14 with Johns Hopkins at any point? 14:56:45
15 A Yes. 14:56:48
16 Q What do you recall about that meeting? 14:56:48
17 A I could describe the gentleman to you 14:56:56
18 because I remember specifically what he looked like, I 14:56:57
19 believe he was the director of sourcing or the VP of 14:57:00
20 supply chain, and forgive me for not remembering his 14:57:04
21 title specifically, that meeting was teed up by the 14:57:08
22 Vizient director that -- the client executor that 14:57:13
23 managed that relationship with Johns Hopkins, and they 14:57:17
24 told them that they had a vendor that had a cost 14:57:19
25 savings program around robotic surgery. 14:57:21